

Chapter 25

Powers and Duties of Constables

17-25-1 General powers and duties.

- (1) Every constable shall:
 - (a) attend the justice courts within his city or county when required by contract or court order; and
 - (b) execute, serve, and return all process directed or delivered to him by a judge of the justice court serving the city or county, or by any competent authority within the limits of this section.
- (2) Any constable may serve any process throughout the state.

Amended by Chapter 204, 2003 General Session

17-25-2 Fees for constables -- Civil.

- (1) Constables may for their own use collect as compensation in civil matters the same fees as those specified for sheriffs in Section 17-22-2.5.
- (2) Constable fees that exceed the amounts in Section 17-22-2.5 are recoverable:
 - (a) by the constable only if he has received prior approval for the increased fee from the party requesting the service; and
 - (b) by prevailing party as a cost of the action only if the court finds the service and increased fee are justifiable.

Renumbered and Amended by Chapter 46, 2001 General Session

17-25-3 Fees for constables -- Criminal.

- (1)
 - (a) In criminal matters constables shall be paid for each copy of a summons, subpoena, notice, court order, or other criminal paper, except a warrant of arrest;
 - (i) \$5 for each defendant served; and
 - (ii) mileage of \$1 per mile for each mile necessarily traveled in going only, to be computed from either the courthouse, or when transmitted by mail, from the post office where received.
 - (b) If more than one trip is necessary to serve, or diligently attempt to serve, service of process, mileage charges for more than two trips may be collected only if the party requesting the service of process has approved the additional mileage charges.
 - (c) Each charge shall be individually documented on the affidavit of return of service.
- (2) Lower charges may be established by contract for services under this section.
- (3) If a constable serves process in a county other than the county where the process originated, travel expenses may not exceed the fee that would be charged if served by the sheriff of that county.
- (4)
 - (a) For each mile traveled for the purpose of serving, or to diligently attempt service of, a warrant of arrest, both in going to and returning from defendant's address, a fee of \$1 may be charged.
 - (b) If more than one trip is necessary to serve, or diligently attempt to serve, a warrant of arrest, no more than two additional mileage charges may be collected.
 - (c) Each charge shall be individually documented on the affidavit of return of service.
- (5) For arresting each prisoner and bringing him into court, or otherwise satisfying a warrant, a fee of \$15 may be charged.

Renumbered and Amended by Chapter 46, 2001 General Session

17-25-4 Constables' fees in criminal cases -- Procedure.

Accounts against the county filed by constables for services in criminal cases shall be certified as correct by the county attorney or district attorney and shall be presented to the auditor. The county legislative body may reject such bills in all causes or proceedings in which the county attorney or district attorney has not in writing authorized the issuance of the warrant of arrest.

Renumbered and Amended by Chapter 46, 2001 General Session

17-25-5 Contracts for constable services.

- (1) The governing body of a municipality or county where a justice court exists may contract with a constable to provide services in criminal cases for the contracting governmental entity by a method and for an amount mutually agreed upon.
- (2)
 - (a) A contract between a governing body and a constable, including a contract described in Subsection (1), may not exceed four years.
 - (b) A contract described in Subsection (2)(a) may be renewed or extended for a period not to exceed four years.

Amended by Chapter 48, 2012 General Session

17-25-6 Identification of constables -- Uniform requirements.

- (1) While performing a duty described in Section 17-25-1, a constable shall prominently display a badge or other visible form of credentials and identification identifying:
 - (a) a person as a constable;
 - (b) the person's name; and
 - (c) the county or municipality for which the constable is appointed.
- (2) If a constable serves process, the constable shall:
 - (a) verbally communicate to the person being served that the constable is a constable; and
 - (b) print on the first page of each document served:
 - (i) the constable's name and identification as a constable;
 - (ii) the county or municipality for which the constable is appointed; and
 - (iii) a business phone number for the constable.
- (3) If a constable wears a uniform, the uniform shall be clearly marked with the word "constable" on the uniform shirt and, if applicable, the jacket.

Amended by Chapter 48, 2012 General Session